

Ramon Rossi Lopez - rlopez@lopezmchugh.com
(California Bar Number 86361; admitted *pro hac vice*)
Lopez McHugh LLP
100 Bayview Circle, Suite 5600
Newport Beach, California 92660
949-812-5771

Mark S. O'Connor (011029) – mark.oconnor@gknet.com
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, Arizona 85016-9225
602-530-8000

Co-Lead/Liaison Counsel for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**MOTION TO SEAL DOCUMENTS
LODGED BY DEFENDANTS**

DEBRA MULKEY, an individual,

Plaintiff,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiff Debra Mulkey moves this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively “Bard”) lodged pursuant to the Notice of Lodging Under Seal Bard’s Motion for Summary Judgment as to Plaintiff Debra Mulkey’s Claims [Doc. 7336] and Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion for Summary Judgment as to Plaintiff Debra Mulkey’s Claims [Doc. 7338] and (collectively “Notices”). As Bard admits in its Notices, the information

1 and materials it has lodged “contain Plaintiff’s personal healthcare information that is
 2 protected under HIPAA and confidential under the Stipulated Protective Order.” Notice
 3 at 1. Indeed, there is no dispute regarding the need to file the lodged documents under
 4 seal.

5 The information that Bard has lodged with its Notices all relates to Plaintiff’s
 6 personal healthcare, treatment, and medical records. Such information is clearly protected
 7 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996
 8 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
 9 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
 10 protected nature of the information – Bard admits that in its Notices. And, this Court has
 11 already granted the filing under seal of the same (or similar) information when the parties
 12 submitted their respective bellwether submissions. [See Doc. 4366.]

13 Accordingly, Plaintiff requests that the Court order the information and documents
 14 lodged with Bard’s Notices at docket numbers 7336 and 7338 be filed under seal.

15 RESPECTFULLY SUBMITTED this 12th day of September 2017.

16 GALLAGHER & KENNEDY, P.A.

17 By: /s/ Paul L. Stoller

18 Mark S. O’Connor

19 Paul L. Stoller

20 2575 East Camelback Road

Phoenix, Arizona 85016-9225

21 LOPEZ McHUGH LLP

22 Ramon Rossi Lopez (CA Bar No. 86361)

(admitted *pro hac vice*)

23 100 Bayview Circle, Suite 5600

Newport Beach, California 92660

24 *Co-Lead/Liaison Counsel for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo